

MEMORANDUM ENDORSED

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BY ECF AND EMAIL

Honorable Gregory H. Woods
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: United States v. Cesar Espinoza,
19 Cr. 641 (GHW)

Dear Judge Woods:

I write to renew Mr. Espinoza's consent request that the Court adjourn the April 7 conference, refer this matter for a pre-sentence investigation report, and set a date for a combined plea and sentencing proceeding.

The next conference in this matter is presently scheduled for April 7, 2020. There have been no prior requests for adjournment. I make this request in light of both the ongoing coronavirus pandemic and Mr. Espinoza's anticipated plea pursuant to the previously provided plea agreement. The Probation Department is able to conduct pre-sentence interviews telephonically during this crisis, and ordering the PSR now will allow the Court to conduct the plea and sentencing on the same date. Mr. Espinoza consents to the disclosure of the PSR prior to his plea. *See* Fed. R. Crim. P. 32(e)(1). Proceeding in this way will minimize the number of in-person court appearances and mitigate the risk that Mr. Espinoza, whose stipulated Guidelines range is 0–6 months, may develop COVID-19 if he were remanded between plea and sentencing. (MCC and MDC are crowded facilities with few doctors and multiple confirmed coronavirus cases.)

The government consents to this request. The parties are available for plea and sentencing on June 8–12, 15, 17–19, or 22–25 or any date in July beginning July 13. The parties jointly request the exclusion of time. A proposed order is submitted herewith.

Application granted. The Court will hold a hearing on July 7, 2020 at 4:00 p.m., which the Court anticipates will be a joint plea and sentencing. The United States is directed to provide its factual statement to the probation office within the next seven days; defense counsel is directed to arrange for an interview of the defendant within the next 14 days. The Clerk of Court is directed to terminate the motion pending at Dkt. No. 28.

SO ORDERED
April 1, 2020


GREGORY H. WOODS
United States District Judge

Respectfully submitted,

/s/

Clay H. Kaminsky
Assistant Federal Defender
(212) 417-8749

cc: AUSA Nicholas Bradley